

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 773	DATE	6/19/2008
CASE TITLE	Jerry Miller vs. City of Chicago, et al.		

DOCKET ENTRY TEXT

Defendant City of Chicago's motion to bifurcate § 1983 claims and to stay discovery and trial on those claims [45] is denied. Plaintiff failed to file an amended complaint removing defendant Depke who is reportedly deceased. See order of April 10, 2008 (plaintiff ordered to file an amended complaint by May 12, 2008). On the court's own motion, defendant Darryl Depke is dismissed from this case. The remaining defendants shall answer or otherwise plead by July 3, 2008. See below for details.

☐ [For further details see text below.]

Suzanne B. Conlon
Notices mailed.

STATEMENT

Jerry Miller asserts constitutional claims under 42 U.S.C. § 1983 against individual police officers and the City of Chicago, based on his wrongful conviction and 25-year incarceration for a crime he did not commit. Count III of his complaint alleges *Monell* claims against the City for its customary deliberate indifference to constitutional rights by failing to train, supervise and discipline its police officers and crime laboratory concerning matters material to Miller's wrongful conviction. Miller contends there will be a significant overlap between evidence against the individual defendants and the City with regard to the conduct of the police officers and the crime laboratory.

Miller makes a colorable showing of potential prejudice that would result if his claims were bifurcated for trial and discovery purposes. The City has not sustained its burden of showing that considerations of expediency or cost outweigh potential prejudice. Bifurcation is unwarranted under the factual circumstances of this case.

Suzanne B. Conlon

Courtroom Deputy
Initials

WH